

1 Laura L. Ho, CA Bar No. 173179  
lho@gbdhlegal.com  
2 James Kan, CA Bar No. 240749  
jkan@gbdhlegal.com  
3 GOLDSTEIN, BORGES, DARDARIAN & HO  
300 Lakeside Drive, Suite 1000  
4 Oakland, CA 94612  
Telephone: 510.763.9800  
5 Facsimile: 510.835.1417  
*Attorneys for Plaintiffs and Proposed Class*  
6 (Additional Counsel on Signature Page)

7 Dominick C. Capozzola (SBN 217381)  
OGLETREE, DEAKINS, NASH, SMOAK &  
8 STEWART, P.C.  
10 Madison Ave., Suite 400  
9 Morristown, NJ 07690  
Telephone: (973) 656-1600  
10 Facsimile: (973) 656-1611  
Email: dominick.capozzola@ogletreedeakins.com  
11 *Attorneys for Defendant SimplexGrinnell LP*  
12 (Additional Counsel on Signature Page)

13 **UNITED STATES DISTRICT COURT**  
14 **NORTHERN DISTRICT OF CALIFORNIA**  
15 **SAN FRANCISCO DIVISION**

16 DON C. BENNETT, COMERLIS  
17 DELANEY, GARY ROBINSON, DARREN  
SCOTT, and JON HOTZLER, on behalf of  
themselves and all others similarly situated,

18 Plaintiffs,

19 v.

20 SIMPLEXGRINNELL, LP,

21 Defendant.  
22  
23  
24  
25  
26  
27  
28

Case No. 11-1854 JST (NJV)

**STIPULATION AND ~~PROPOSED~~ ORDER  
DISMISSING CLAIMS OF PATRICK  
NICASSIO**

Judge: Honorable Jon S. Tigar

Pursuant to Rule 41(a)(1)(A)(ii), the parties hereby stipulate that the claims of Plaintiff Patrick Nicassio alleged in Plaintiffs' Third Amended Complaint shall be and are hereby dismissed without prejudice. This stipulation does not affect the claims of any person other than Patrick Nicassio.

Dated: November 5, 2013

Respectfully submitted,

By: /s/ Karla Gilbride

Raymond C. Fay  
Karla Gilbride (SBN 264118)  
MEHRI & SKALET PLLC  
1250 Connecticut Avenue, NW Suite 300  
Washington, DC 20036  
Telephone: (202) 822-5100  
Facsimile: (202) 822-4997  
Email: rfay@findjustice.com  
kgilbride@findjustice.com

Bruce E. Menken  
BERANBAUM MENKEN LLP  
80 Pine Street, 33rd Floor  
New York, NY 10005  
Telephone: (212) 509-1616  
Facsimile: (212) 509-8088  
Email: bmenken@nyemployeeelaw.com

*Attorneys for Plaintiffs and Proposed Class*

Dated: November 5, 2013

By: /s/ Carolyn B. Hall

Dominick Capozzola (SBN 217381)  
Carolyn B. Hall (SBN 212311)  
Jocelyn A. Merced, *Pro Hac Vice*  
OGLETREE, DEAKINS, NASH,  
SMOAK & STEWART, P.C.  
Steuart Tower, Suite 1300  
One Market Plaza  
San Francisco, CA 94105  
Telephone: (415) 442-4810  
Facsimile: (415) 442-4870  
Email: dominick.capozzola@ogletreedeakis.com  
carolyn.hall@ogletreedeakins.com  
jocelyn.merced@ogletreedeakins.com

*Attorneys for Defendant SimplexGrinnell LP*

**ATTESTATION**

Pursuant to General Order 45(X), I attest that concurrence in the filing of this document has been obtained from each of the other signatories.

Dated: November 5, 2013


By: /s/ Karla Gilbride

MEHRI & SKALET PLLC  
Attorneys for Plaintiffs

~~[PROPOSED]~~ ORDER

Pursuant to the Stipulation of the parties and GOOD CAUSE APPEARING, IT IS SO ORDERED.

DATED: November 5, 2013

  
\_\_\_\_\_  
Honorable Jon S. Tigar  
United States District Court Judge